

REMARKS

I. Amendments to the Claims

After entry of this Amendment, claims 1, 2, 4, 11, 13, 14, 22, 24, and 26-28 will be pending in the application. Of these claims, claims 4 and 22 are allowed.

In the present Amendment, claims 1, 11, 24, and 26-28 have been amended by replacing the term “naturally occurring” with the term “endogenously expressed.” Endogenously expressed diglycosidase polypeptides isolated from *A. fumigatus* are described in the specification, particularly at Examples 6-8.

Claims 1, 11, 24, and 26-28 have also been amended to require that the recited microorganism is of the species *A. fumigatus*.

Claims 29 and 30 have been canceled.

No new matter has been added, and Applicants respectfully request entry of these amendments to the claims.

II. Objections to the Claims

At page 3, paragraph 12 of the Office Action, the Examiner advised that should claim 27 or 28 be found allowable, claim 29 or 30 will be objected to as being a substantial duplicate thereof, respectively.

In response, claims 29 and 30 have been canceled in the present Amendment.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

III. Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

At pages 3-5 of the Office Action, claims 1-2, 11, 13-14, 24, and 26-30 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Specifically, the Examiner stated that the term “naturally-occurring polypeptide” is indefinite, because it is not clear how a skilled artisan would distinguish those polypeptides that exhibit all of the recited characteristics of the claims that are considered to be “naturally occurring” from those that are not. The Examiner has interpreted the claims as encompassing those polypeptides that are endogenously expressed by the recited microorganism and those polypeptides that are expressed as a result of recombinant expression using the recited microorganism as an expression host, and concluded that the specification provides no guidance that would allow a skilled artisan to determine whether a polypeptide isolated from an *Aspergillus* microorganism and having the recited characteristics occurs naturally.

In order to clarify that the present invention is directed to polypeptides that are endogenously expressed rather than polypeptides that are recombinantly expressed using the recited microorganism as an expression host, Applicants have amended the claims to recite “*endogenously expressed* polypeptides” rather than “*naturally occurring* polypeptides.”

Applicants submit that the claims as amended particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

IV. Claim Rejections Under 35 U.S.C. § 112, First Paragraph

At pages 5-8 of the Office Action, claims 1-2, 11, 13-14, 24, and 26-30 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Specifically, the Examiner stated that the original application fails to provide adequate support for the pH, stability, and MW limitations recited in the claims. In particular, the Examiner asserted that while the specification discloses that crude cell extracts of particular strains of *A. oryzae*, *A. niger*, and *A. aculeatus* exhibited diglycosidase activity, only the diglycosidase of SEQ ID NO:8, isolated from *A. fumigatus*, has been isolated and characterized.

As noted above, Applicants have amended the claims to recite that the diglycosidase is isolated from microorganisms of the species *A. fumigatus*.

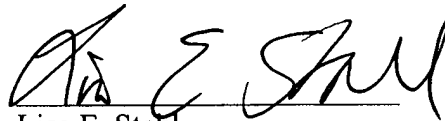
Applicants submit that the claimed invention is adequately described in the specification, and respectfully request reconsideration and withdrawal of this rejection.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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